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SUBJECT: SWIRLING CROSS-CURRENT OF HIDDEN AGENDAS AND
POLITICAL JOCKEYING CONTRIBUTE TO IMPASSE ON ELECTION LAW

Classified By: Political Minister Counselor Gary A. Grappo, for reasons
1.4 b and d.

¶1. (C) Summary: The roiling debate over whether and how Kirkuk participates in the upcoming election remains the crucial issue in the Iraqi Council of Representatives' (COR) deadlock over passage of a new election law. However, there are other, less visible factors that are also contributing to the impasse. A covert desire on the part of many politicians to revert to closed lists remains strong. Political maneuvering by rivals of Maliki is also an important factor at play in the delay, as they seek political advantage, for example by attacking the electoral commission. Some elements in the COR are intentionally using Kirkuk to try to delay the elections altogether. Some of these people likely receive money and support from neighboring countries, yet another complicating factor. These sometimes conflicting hidden agendas and political axe-grinding are contributing to the lack of progress in the COR, helping explain why Speaker al-Samarra'i punted the election law to the Political Council for National Security (PCNS), a body with no constitutional mandate or decision authority. As we move forward to try to break the impasse, this murky, conflicted political atmosphere complicates the U.S. effort to advocate for quick passage but it's another reminder of the rapidly evolving and unpredictable nature of Iraq's infant democracy. End Summary.

CLOSED LISTS: THE ISSUE THAT DARE NOT SPEAK ITS NAME

¶2. (C) The fight over who will vote in Kirkuk obviously remains the key issue in the deadlock in the Iraqi Council of Representatives (COR) over passage of a new election law. However, there are other, less visible factors that contribute to the impasse. According to a range of contacts, there remains a significant level of behind-the-scenes support of closed lists (where voters only have the option of choosing a party or coalition list, rather than individual candidates). The impasse over Kirkuk allows these elements to keep this option alive without having to publicly state a position in favor of closed lists. The strategy is to feed the political stall (over the Kirkuk issue) with passivity until a default to the 2005 law (with closed lists) becomes necessary and politically acceptable. According to Deputy Speaker Khalid Attiyah, who have openly declared their preference for closed lists, would be happy with such a default. Kurdish (PUK) bloc leader Saadi Barzinji offered a broader political rationale for the Kurdish position, telling poloff that "open lists are only good for a moderate country and Iraq is one of extremes." But support for this strategy spreads out in the COR far beyond the Kurds, making inroads among all parties, according to Attiyah and PM advisor Sadiq Rikabi. Da'wa COR member Hassan al-Sunayd indicated to poloff that some in ISCI, despite the party's strong public (and privately re-stated) support for open lists, remain ambivalent. Sunayd hinted strongly that one reason for that ambivalence is because the Iranians, unlike Iraq-based cleric Grand Ayatollah Sistani, prefer closed lists, largely because they believe closed lists would more likely generate a strong

Shi'a majority. Still others point to PM Maliki's Da'wa party as a closet supporter of closed lists, despite the PM's oft stated backing of open lists.

DELAYING ELECTIONS TO DISRUPT DEMOCRATIC CONSOLIDATION

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13. (C) Some elements in the COR have been using the fight over Kirkuk to postpone the elections, either nationwide or at least in Kirkuk. For the most ardent Arab and Turkomen members from Kirkuk, delay is a wedge tactic to force Kurdish concessions on Kirkuk. They want a large number of Kurdish voters registered in Kirkuk since 2004 to be barred from voting in the province in the upcoming national election and/or a negotiated allocation of Kirkuk's COR seats that would minimize the Kurds' majority among Kirkuk's COR seats. The need for an election law -- in tandem with the deadline created by the drawdown schedule for U.S. troops -- functions as a pressure point. Blocking passage of the law creates tremendous political pressure for the Kurds to be flexible. According to COR speaker Ayad Samara'i, the delay strategy of the Arabs and Turkomen seems to be to try to roll back step-by-step Kurdish political gains made in Kirkuk since 2003, a strategy that drives the Kurds to be inflexible.

THE NEIGHBORS GETTING INTO THE FRAY

14. (C) Proponents of this view likely receive money and support from neighboring countries, another complicating factor. The political calculations behind such support are often murky. COR National Security (NSC) Advisor Alex

BAGHDAD 00002851 002 OF 003

Terchanian told Dep Pol/C that the Turks are funneling large amounts of money through their intelligence service into the COR and to other GOI officials. The most direct aim is the support Turkomen (and Arab) claims to Kirkuk -- and thwart Kurdish political ambitions -- but the practical effect is to finance and support the forces most supportive of delaying passage of the election law. According to Terchanian, the Saudis are also financing elements pressing for delay as an end in itself. (COMMENT: Terchanian is an Armenian Christian. We cannot confirm his allegations but note that several other contacts have made similar, if less detailed allegations, about the role the Turks and Saudis are playing. END COMMENT.) Much of the money from neighboring countries is apparently targeted at a subset of Sunni Arabs, including those with Baathist ties or sympathies. One aim seems to be to deepen the impasse, indefinitely delay elections, and create a political crisis in Iraq that would disrupt democratic consolidation and "delegitimize the new Iraq," according to Da'wa party member Sami al-Askari.

SLOWING MALIKI'S MOMENTUM

15. (C) There are other elements in the COR that view the impasse as simple electoral maneuvering. ISCI is trying to use delay to slow PM Maliki's political momentum, explained Minster of Human Rights (and Maliki ally) Wijdan Salim. Delay also allows for further efforts to clip Maliki's wings, according to Independent High Electoral Commission Chairman Faraj al-Haidary, who noted that the Presidency Council would soon introduce a draft electoral code of conduct, designed to try to limit Maliki's use of his office to further his political ambitions. For others, the impasse can be explained by the unwillingness of Shi'a actors to venture into the fight between Kurds and Sunni Arabs and Turkomen over Kirkuk, viewing both sides as potential partners, either pre- or more likely post-elections.

AN INTRA-SHIA POWER STRUGGLE

¶6. (C) Al-Hadairy viewed the debate over the election law as a subset of the larger Shia power struggle between Maliki and the Iraqi National Alliance (INA), led by ISCI. Despite the struggle, the two sides are under pressure from Sistani to call a truce and form a single coalition, essentially recapitulating the grouping that won a sizable number of seats in the 2005 elections. Representatives of each coalition have separately discussed with al-Haidary the possibility (and means) of forming a grand "front" that would join the two sides.

SETTING THEMSELVES UP FOR SUCCESSFUL FAILURE

¶7. (C) The attack on IHEC may also be designed to delegitimize the electoral commission and lay the groundwork for potential charges by losing parties in the upcoming January elections that the voting was fraudulent and organized by a biased, incompetent organization. Al-Haidary told Dep Pol/C that Maliki's rivals in ISCI want to gain more control over IHEC in the run-up to the elections, and they are using the crisis over the election law to move forward a proposal for a COR oversight committee for IHEC. IHEC would remain but Maliki's rivals would exert more control over the electoral commission. ISCI COR party bloc leader Sheikh Jalal al Sagheir has indicated that even after passage of an election law, his party would move to unseat at least three to four IHEC commissioners.

COMMENT

¶8. (C) Some of these agendas at the COR, open and hidden, overlap in places and conflict in others. Some are short-sighted and could evaporate quickly if a deal is brokered over Kirkuk in the near term. Most are subject to a significant degree of string-pulling and funding by forces outside the COR, and in some cases, even outside Iraq. Public statements from Iraq leaders from Sistani to VP Hashimi in favor of open lists has made a compromise resulting in a closed list election politically difficult, although the system would be technically easier to administer. It is that blocked legislative retreat, together with the fact that any agreement on Kirkuk would likely be seen as a potential precedent for Kirkuk's final status, that has allowed the Arabs and Turkomen to mount the pressure and create the deadlock. But there are now at play a swirling current of cross-cutting agendas, some stated, others less obvious that will continue to complicate navigation toward agreement on an election law. These current also indicate that the Iraqis are adjusting quickly

BAGHDAD 00002851 003 OF 003

to their infant democracy and are becoming adept at using it to further their parochial interests as opposed to overarching national interests.

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